



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN STREET

CHICAGO, IL 60604

AUG 26 1991

Mr. Mark J. Airola
Counsel, Environmental
Cooper Industries
P.O. Box 4446
Houston, Texas 77210

REPLY TO THE ATTENTION OF:

5HS-11

RE: Albion-Sheridan Township Landfill Site
Albion, Michigan

US EPA RECORDS CENTER REGION 5



469141

Dear Mr. Airola,

The United States Environmental Protection Agency (U.S. EPA) has received your letter dated August 9, 1991 concerning the Remedial Investigation and Feasibility Study (RI/FS) at the Albion-Sheridan Township Landfill site. In your letter you indicated that Cooper Industries did not wish to submit a good faith offer to conduct RI/FS activities at the site. Based on the lack of a good faith offer from any of the noticed Potentially Responsible Parties (PRPs), U.S. EPA will obligate funds and perform the RI/FS pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA).

In your letter, you listed several reasons why Cooper Industries did not wish to submit a good faith offer, including a lack of information about the site and the limited number of viable PRPs. U.S. EPA agrees that there is only a limited amount of information available regarding the site. As U.S. EPA indicated at its July 2, 1991 meeting with you, no records were kept by the landfill owner, who is now deceased, and there is little information in the Michigan Department of Natural Resources' files. This makes it very difficult for U.S. EPA to provide you with the depth of information which you have indicated you desire.

U.S. EPA has been conducting a diligent search for Potentially Responsible Parties (PRPs) at the site. Given the amount of time and effort this search has required and will continue to require, U.S. EPA decided not to delay the start of the RI/FS for this reason. To begin the negotiation period which gave the PRPs an opportunity to conduct the RI/FS, U.S. EPA noticed those parties for which it felt it possessed a reasonable amount of liability information. U.S. EPA is currently attempting to obtain additional depositions or signed affidavits for those individuals who have relevant information to the site. As these documents become available, U.S. EPA will release this information to you. The search for additional liability information and PRPs will continue throughout the RI/FS, and U.S. EPA would appreciate any assistance



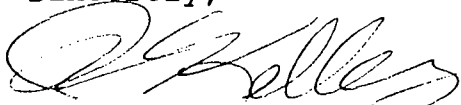
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or information you might be able to offer.

As for the additional time you requested in order to possibly submit a good faith offer, it is the policy of the Agency not to extend the period in which the PRPs may make a good faith offer. In Section 122(e)(2)(B) of CERCLA, as amended by SARA, the recipients of the special notice letter for negotiations have 60 days from receipt of the letter in which to make a proposal for conducting or financing the work at the site. It is the policy of U.S. EPA to adhere to the statutory timeframe of 60 days set forth in Section 122.

U.S. EPA hopes that you will further familiarize yourself with the site during the RI/FS. While it is Region V's policy not to release raw data and draft reports, final documents and validated data will be available for review at the site repository at the library in Albion, Michigan and at the U.S. EPA offices in Chicago.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Kelley", is written over the typed name.

John Kelley, Acting Chief
Remedial and Enforcement Response Branch